

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FIFTH THIRD BANCORP, an Ohio corporation, and FIFTH THIRD BANK, an Ohio banking corporation,

Plaintiffs,

-v.-

CERTAIN UNDERWRITERS AT LLOYD'S SUBSCRIBING TO POLICY NUMBERS B0509QA048710 and B0509QA051310, AXIS INSURANCE COMPANY, FEDERAL INSURANCE COMPANY, CONTINENTAL INSURANCE COMPANY, FIDELITY AND DEPOSIT INSURANCE COMPANY and ST. PAUL MERCURY INSURANCE COMPANY,

Defendants.

Case No. 1:14cv869
Judge Sandra S. Beckwith
Magistrate Judge Stephanie K. Bowman

DEFENDANTS CERTAIN UNDERWRITERS AT LLOYD'S SUBSCRIBING TO POLICY NUMBERS B0509QA048710 AND B0509QA051310, AXIS INSURANCE COMPANY AND FEDERAL INSURANCE COMPANY'S MOTION TO EXTEND THE TIME TO FILE THE REPLY IN SUPPORT OF THE MOTION FOR PROTECTIVE ORDER AND IN THE ALTERNATIVE TO STAY AND BIFURCATE PLAINTIFFS' "BAD FAITH CLAIM"

Defendants, Certain Underwriters at Lloyd's subscribing to policy numbers B0509QA048710 and B0509QA051310 ("Lloyd's"), AXIS Insurance Company ("AXIS"), and Federal Insurance Company ("Federal") (collectively referred to as "Underwriters") move to extend the time within which to file the Reply in Support of the Motion for Protective Order and in the Alternative to Stay and Bifurcate Plaintiffs' "Bad Faith Claim" to May 17, 2016, and in support thereof, states as follows:

1. Underwriters' Reply in Support of Motion or Protective Order and in the Alternative to Stay and Bifurcate Plaintiffs' "Bad Faith Claim" is due on April 25, 2016. Underwriters ask to move the deadline to May 17, 2016.

2. Underwriters are preparing the Reply but have also had to focus efforts on the rigorous schedule of depositions currently in place. Since Fifth Third filed its Response in Opposition to Underwriters' Motion for Protective Order and in the Alternative to Stay and Bifurcate Plaintiffs' "Bad Faith Claim" on April 4, 2016, there have been five depositions. Underwriters have been working diligently to advance discovery through depositions in this case.

3. Underwriters have spoken with Fifth Third, who does not oppose Underwriters' request for additional time up to May 17, 2016. No party will be prejudiced by the extension.

WHEREFORE, Underwriters respectfully ask the Court to extend the time within which to file Underwriters' Reply in Support of Motion for Protective Order and in the Alternative to Stay and Bifurcate Plaintiffs' "Bad Faith Claim" to May 17, 2016 and for any other relief the Court deems necessary and appropriate.

April 25, 2016

Respectfully submitted,

s/ Jean Geoppinger McCoy

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Subscribing to Policy Numbers B0509QA048710
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and Federal Insurance Company*

CERTIFICATE OF SERVICE

I hereby certify and affirm that on April 25, 2016, a copy of the foregoing motion was filed electronically. Notice of this filing will be served on all parties of record by operation of the Court's electronic filing system:

<p>Mark J. Byrne Kenneth F. Seibel JACOBS, KLEINMAN, SEIBEL & McNALLY Cincinnati Club Building 30 Garfield Place Cincinnati, OH 45202</p> <p><i>Trial Counsel for Defendant Fifth Third Bancorp and Plaintiff Fifth Third Bancorp and Third Bank</i></p>	<p>Charles E. Turnbull Lawrence M. Scott Marco D. Kaszubski O'REILLY RANCILIO P.C. 12900 Hall Road, Suite 350 Sterling Heights, MI 48313</p> <p><i>Co- Counsel for Defendant Fifth Third Bancorp and Plaintiff Fifth Third Bancorp and Third Bank</i></p>
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s/ Jean Geoppinger McCoy

Jean Geoppinger McCoy